

## **REMARKS**

Claims 1-36 were pending and presented for examination and in this application. In an Office Action dated February 20, 2007, claims 1-36 were rejected. Applicants address the Examiner's comments below and respectfully request that the Examiner reconsider all outstanding objections and rejections, and withdraw them.

### **Summary of Examiner Interview under 37 CFR § 1.133**

Applicants thank the Examiner for taking time to discuss the application with Applicants' representatives in the Examiner Interview of May 1, 2007. In the interview, Applicants' representatives presented arguments that the rejections under 35 U.S.C. § 101, 35 U.S.C. § 102, and 35 U.S.C. § 103 are improper and should be withdrawn. The substance of the interview is incorporated in the remarks below.

### **Response to Rejection under 35 U.S.C. § 101**

In the 3<sup>rd</sup> paragraph of the Office Action, the Examiner rejects claims 1-36 as allegedly being directed to non-statutory subject matter because the language allegedly does not include a useful concrete tangible result. The Examiner recites that the claims omit steps for actually "executing a search query." In the telephonic interview conducted on May 1, 2007, Applicants' representative presented the arguments below and reached an agreement with the Examiner that the rejections to claims 1-36 under 35 U.S.C. § 101 should be withdrawn.

In the interview, Applicants' representative submitted that a step of "executing a search query" is not required for the claims to be in compliance with 35 U.S.C. § 101. Further, Applicants' representative noted that claim 1 recites steps of "...determining the at least one media file as relevant to the search query..." and "...outputting a result set

*referencing the at least one media file... ”* The result set is an example of a useful concrete tangible result. Independent claims 18, 35, and 36 recite similar language and the dependent claims incorporate all the limitations of their respective base claims. Therefore, Applicants respectfully request withdrawal of the rejection.

**Response to Rejection Under 35 U.S.C § 102(b) in View of Barr**

In the 13<sup>th</sup> paragraph of the Office Action, the Examiner rejects claims 35-36 under 35 USC § 102(b) as allegedly being unpatentable over U.S. Patent No. 5,742,816 to Barr, et al. (“Barr”). This rejection is respectfully traversed.

Claim 36 recites the limitations:

“...capturing the at least one event upon the occurrence of the event...”

and

“...indexing and storing at least some of the event data and the media file associated with the event at a time after the occurrence of the event...

...wherein the time is based on performance data indicating a readiness to process the event and the position in the queue.”

The claimed invention recites a method for processing media files. The method captures at least one event and indexes and stores at least some of the event data and articles associated with the event at a time after the occurrence of the event. As recited in the specification at paragraph [0018], examples of events include playing an audio file, editing a video file, uploading an image file, sending or receiving an email message, etc. Examples of event data for an event involving, for example, playing of an audio file can include the title of the file, the location of the file, the date the file was saved, etc. Thus, the claimed invention captures an event, and after the occurrence of the event, indexes and stores

associated event data. The index can be searched to locate media files relevant to a search query. Furthermore, the time that indexing and storing occurs is based, in part, on performance data indicating a readiness to process the event. Thus, advantageously, the processor can queue the event and perform the indexing and storing when the processor is ready.

The rejection under 35 U.S.C § 102(b) is improper because Barr does not disclose every limitation of the claim. First, the Examiner does not even address the recited limitation, “*wherein the time is based on performance data indicating a readiness to process the event and the position in the queue*”. Furthermore, the limitation is not disclosed or suggested anywhere in Barr. It is noted that although Barr discloses schedulers 144, the schedulers are to “monitor and queue the searches performed by search engines” (Barr, column 21, lines 19-21), and not for queuing event data to be indexed and stored.

Second, the Examiner is incorrect in indicating that Barr’s disclosure of receiving a search query is the same as capturing an event. Receiving a search query cannot be the same as capturing an event because indexing and storing in Barr does not happen at a time after the occurrence of receiving the search query. Rather, indexing and storing (e.g., the creation of the document index database in Barr) would have to occur prior to receiving a search query because the query is performed on the indexed and stored data. Furthermore, Barr does not index or store event data associated with an event in creating the document index database but instead uses text fields associated with the media file. As recited in Barr, “...each multi-media file in database 118 is stored along with a separate portion of text related to the multi-media record...**This associated text field is used as the basis for generating document index information** (for storage on document index database 117) corresponding to each

multi-media file stored in database 118.” (Barr, col. 13 lines 5-10). Therefore, Barr does not disclose capturing one or more events and indexing and storing at least some of the event data and the media file associated with the event at a time after the occurrence of the event.

In the Examiner’s Response to Arguments, it is noted that Applicants disagree with the Examiner’s characterization that the “specification defines the limitation ‘capturing an event’ as playing an audio file, editing a video, uploading an image, viewing a web page or saving a word processing document.” Rather, the specification lists these items as examples of “events” and recites that “the capture processor 124 can capture an event by identifying and compiling event data associated with an event.” (see specification, paragraph [0018]). Therefore, although Barr discloses “events”, Barr does not disclose capturing an event as recited in the claim.

Turning now to claim 35, it recites:

...compiling at least some of the event data to capture at least some of the media file events and at least some of the non-media file events upon the occurrence of the events;

responsive to capturing the media file events and the non-media file events, indexing and storing at least some of the events and associated articles...

Claim 35 requires that the step of indexing and storing are responsive to capturing an event. The step of receiving a search query in Barr cannot disclose capturing an event for at least the same reasons as discussed above. Applicants therefore submit that the rejection to claims 35-36 under 35 U.S.C § 102(b) is improper and should be withdrawn.

#### **Response to Rejection Under 35 USC 103(a) in View of Barr and Chen**

In the 6th paragraph of the Office action, Examiner rejects claims 1-34 under 35 USC § 103(a) as allegedly being unpatentable over U.S. Patent No. 5,742,816 to Barr, et al.

(“Barr”), in view of U.S. Patent No. 6,728,763 B1 to Chen (“Chen”). This rejection is now respectfully traversed.

Representative claim 1 recites:

capturing one or more events...

and

...responsive to capturing the one or more events, indexing and storing at least some of the event data and articles associated with the events...

Independent claim 18 recites similar language. Barr and Chen do not disclose or suggest these limitations either alone or in combination. For at least the same reasons as discussed above, Barr does not disclose capturing one or more events and responsive to capturing the one or more events, indexing and storing at least some of the event data and articles associated with the events. Chen also does not disclose or suggest the claimed invention. Chen discloses playing live and streaming media through a web client’s browser. Chen does not mention or suggest receiving a search query or determining the at least one media file as relevant to the search query. Further, Chen shares the deficiency of Barr that it also does not disclose capturing one or more events having associated event data and responsive to capturing the one or more event, indexing and storing at least some of the event data and articles associated with the events. Therefore, the claimed invention would not have been obvious to a person of ordinary skill in the art at the time of the invention.

Based on the above remarks, Applicants respectfully submit that for at least these reasons claims 1 and 18 are patentably distinguishable over the cited references. The dependent claims incorporate all the limitations of their respective base claims and are patentably distinguishable for at least the same reasons. Therefore, Applicants respectfully request that the Examiner reconsider the rejections, and withdraw them.

**Conclusion**

In sum, Applicants respectfully submit that claims 1-36, as presented herein, are patentably distinguishable over the cited references (including references cited, but not applied). Therefore, Applicants request reconsideration of the basis for the rejections to these claims and request allowance of them.

In addition, Applicants respectfully invite Examiner to contact Applicants' representative at the number provided below if Examiner believes it will help expedite furtherance of this application.

Respectfully Submitted,  
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